



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 3600

APPLICANT(S): Richard V. Halbert et al.
APPLICATION NO.: 09/677,095
FILING DATE: September 29, 2000
TITLE: DYNAMIC MARKET EQUILIBRIUM MANAGEMENT
SYSTEM, PROCESS, AND ARTICLE OF MANUFACTURE
EXAMINER: Forest Thompson, Jr.
GROUP ART UNIT: 3625
ATTY. DKT. NO.: 22930-06082

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: May 27, 2003

By: Thomas L. Ewing
Thomas L. Ewing, Reg. No.: 34,328

COMMISSIONER FOR PATENTS
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INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☒ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No.[APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Applicants wish to bring to Examiner's attention the following co-pending applications and issued patent:

U.S. Patent Application No. 09/270,219, entitled "Demand Aggregation Through Online Buying Groups," filed on March 15, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/409,237, entitled "System and Method for Extension of Group Buying Throughout the Internet," filed on September 30, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/475,408, entitled "Demand Aggregation Through Online Buying Groups," filed on December 30, 1999, which is assigned to a common assignee;

U.S. Patent Application No. 09/596,921, entitled "System and Method for Enhancing Buyer and Seller Interaction During a Group-Buying Sale," filed on June 19, 2000, which is assigned to a common assignee;

U.S. Patent Application No. 09/863,801, entitled "Attaining Product Inventory Grouping for Sales in a Group-Buying Environment," filed on May 22, 2001; and

U.S. Patent No. 6,101,484, which issued on August 8, 2000 in the names of Richard V. Halbert, Niklas Gustafsson and John M. Thrun, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," formerly U.S. Application No. 09/281,859.

The entities which have a duty to disclose relevant information to the U.S. Patent and Trademark Office under 37 CFR 1.56 have a belief that third parties may possibly have pending applications directed towards the same general subject matter as the subject matter of the present application. However, these applications are secret in nature, and copies of the applications not generally available to the applicants or their representatives. Thus, Applicants are not able to provide copies of the applications with this Information Disclosure Statement ("IDS"), in all cases, and they do not necessarily know the actual subject matter of these third party applications.

Therefore, in accordance with the duty of disclosure, applicants are providing publications, listed on the attached Form PTO/SB/08A, which proclaim that third parties have patent applications. Descriptions of the possible applications which may be related to the present application are set forth below with reference to the documents listed on the attached Form PTO/SB/08A, where applicable. The information provided herein may allow the PTO to identify the third party applications, and determine if they are prior art, and/or relevant to the present application including determining if they are relevant for interference purposes. The possible third party applications are:

1. Applications to Jonathan Ehrlich, et al., entitled "Aggregating On-Line Purchase Requests," U.S. Provisional Application 60/118,189 filed on February 1, 1999 and U.S. Application 09/249,727 filed on February 13, 1999; assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/45318 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. applications.)

2. Applications to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Applications 09/191,564 filed on November 13, 1998 and 09/289,322 filed on April 9, 1999; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30004 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. applications.)

3. An Application to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Application 09/191,564 filed on November 13, 1998; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30005 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. application.)

4. An Application to Jay S. Walker, et al., entitled "Customer Profit Sharing Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,666 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34841 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. application.)

5. Applications to Jay S. Walker, et al., entitled "Method and Apparatus for Detecting and Deterring the Submission of Similar Offers in a Commerce System"; believed to be U.S. Applications 09/205,824 filed on December 4, 1998 and 09/224,907 filed on January 4, 1999; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34842 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. applications.)

6. An Application to Jay S. Walker, et al., entitled "Dynamic Quality Control Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,824 filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34886 with the IDS filed on 12/11/2000, which claims priority from the above mentioned U.S. applications.)

7. An Application assigned to Savvio, Inc. (believed to also have used the names I-Countdown, LG Group, and Athena Technology Ventures), filing date unknown, possibly naming Karen Ha, Leonard "Leo" D. Spelt, Scott Gorton, Basem Asfoor, Edward Komissarchik, Gary Mansperger, as inventors. See the press release from Savvio.com which is included with the IDS filed on 12/11/2000.

8. An Application to James Grossman, who is believed to be represented by Thomas E. Spath (Reg. No. 25,928), of Abelman, Frayne, & Schwab in New York, New York.

9. An Application assigned to VolumeBuy and/or Innovative Concepts Group, Inc., possibly entitled "Public Network-Based Order Pooling System," possibly filed on January 19, 1999 and naming as inventors Emanuel Leibzon, Valentina Leibzon, and/or Greg Perlman, with the attorneys of record possibly being Knobbe, Martens, Olson, and Bear LLP of Newport Beach, California.

10. Two utility applications filed on July 7, 1999 by iCoop, Inc, based upon provisional patent applications filed on January 22, 1999. The applications are discussed on iCoop's website at http://www.icoop.com/press_pressreleases2.htm, which was included with the IDS filed on 12/11/2000.

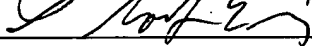
11. An application assigned to beMANY!, Inc., filing date unknown, possibly naming George Jankovic, Mircea Mihaescu, William Robinson, Virginia Bonker, Bradley Feld, Michael Hagan, Thomas Giesermann, Patti Manual Hart, and/or Charles Katzas as inventors. See the press release from beMANY!, which was included with the IDS filed on 12/11/2000.

12. An application assigned to BazaarE.com, Inc., possibly naming Dr. Bala Veeramacheneni, Anil Kadiyala, Srikanth Chimata, Vishy Ganti, and Vamsi Naidu as inventors, and/or possibly listing Wilson Sonsini Goodrich & Rosati as attorneys of record. See the press release from BazaarE.com, Inc. included with the IDS filed on 12/11/2000.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
RICHARD V. HALBERT *ET AL.*

Dated: May 27, 2003

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